The Internet Corporation for Assigned Names and Numbers

ICANN

24 March 2016

Mr. Markus Luthe
Chief Executive Officer
German Hotel Association (IHA)
Am Weidendamm 1A
10117 Berlin
Germany

Re: The German Hotel Association's Comment on Booking.com B.V.'s Application for .HOTELS

Dear Mr. Markus Luthe:

Thank you for your letter of 11 February 2016 regarding the change request submitted by Booking.com B.V. for its application for .HOTELS. We have posted it to the gTLD correspondence page.[1] We take note of the German Hotel Association's concerns regarding this change request as it relates to Governmental Advisory Committee (GAC) Category 2 Safeguard Advice from the Beijing Communiqué,[2] and we have provided some clarification on the change request process and ICANN's requirements regarding exclusive access below.

ICANN considers all application change requests against the criteria published on the New gTLD microsite.[3] As you know, the change request process provides a 30-day window for certain application changes to be published so that members of the community may review them and submit comments for ICANN's consideration. We note that the German Hotel Association submitted an application comment on 11 February 2016, and this comment has been considered within the change request process and is addressed within this letter.[4]

As explained in Advisory R1-A01-0052: GAC Category 2 Advice Implementation, dated 19 March 2014, which provides information around the requirements surrounding exclusive access for operators of generic string TLDs, restricted registration policies are not prohibited by the Registry Agreement (RA):

---

[1] *See* https://www.icann.org/en/system/files/correspondence/luthe-to-icann-11feb16-en.pdf
[2] *See* https://www.icann.org/en/news/correspondence/gac-to-board-11apr13-en.pdf
[3] *See* https://newgtlds.icann.org/en/applicants/global-support/change-requests.
[4] *See* https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12821 and
https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12822

Under Section 3(d) of Specification 11, a Registry Operator of a "Generic String" TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's "Affiliates" (as defined in Section 2.9(c) of the Registry Agreement). As an example, if Acme Sushi, Inc. is in the business of operating sushi restaurants, it could not limit registrations only to Acme Sushi, Inc. and its Affiliates. Provided Acme Sushi, Inc. does not limit registrations exclusively to Acme Sushi, Inc. and its Affiliates, it could impose registration policies and criteria that limit registrations in other ways.[5]

If an applicant agrees to enter into the RA including Specification 11, and their application is consistent with Specification 11, the application may move forward in the New gTLD Program (once all other eligibility criteria are met). Once the RA has been executed, any allegations that a registry operator is violating its obligations under Specification 11 of the RA could be addressed through ICANN's Public Interest Commitments Dispute Resolution Procedure (PICDRP) or by ICANN's Contractual Compliance program.[6]

We hope this information has been helpful to you. Should you have any further questions, please do not hesitate to contact our Global Support Center at globalsupport@icann.org. We appreciate your interest in the New gTLD Program and your participation in ICANN's multi-stakeholder process.

Sincerely,

Christine A. Willett
Vice President, GDD Operations

---

[5] *See* https://newgtlds.icann.org/en/applicants/advisories/gac-cat2-advice-19mar14-en
[6] *See* https://www.icann.org/resources/pages/picdrp-2014-01-09-en